

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAIMON TERRELL WOODS,)
)
Plaintiff,)
v.) Civil Action No. 24-108
)
OFFICER M. SCUILLO, CAPTAIN T.)
TRACEY and DEPUTY WARDEN J.)
PASSARELLI,)
)
Defendants.)

MEMORANDUM ORDER

The case was referred to Magistrate Judge Kezia O. L. Taylor in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D. Magistrate Judge Taylor issued a Report and Recommendation filed February 13, 2025, recommending that that Defendants' Motion to Dismiss be granted in part and denied in part. ECF No. 32. The parties were informed that objections to the Report and Recommendation were due by February 27, 2025, for the electronically registered Defendants, and by March 3, 2025, for the non-electronically registered party Plaintiff. *See* 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2. No Objections have been filed. After de novo review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 14th day of March 2025,

IT IS ORDERED that the Report and Recommendation, ECF No. 32, filed on February 2, 2025, by Magistrate Judge Taylor, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss, ECF No. 19, is GRANTED in part, and DENIED in part, as follows:

The Motion is granted as to Plaintiff's claims asserted against Defendants Captain T. Tracey and Deputy Warden Passarelli. Said claims are dismissed with prejudice. The Clerk of Court shall terminate Tracey and Passarelli from the docket.

The Motion is denied as to Plaintiff's retaliation claim asserted against Officer M. Sciullo.

The Motion is denied as to Defendants' argument that all claims should be dismissed for failure to exhaust administrative remedies. Defendants' exhaustion of administrative remedies argument is dismissed, without prejudice to reassertion after the record is more fully developed.

This matter is returned to the Magistrate Judge for further proceedings.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Court Judge

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